



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

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Memorandum

Date: March 23, 2022

To: Richard Conescu, Chair, & Members, Zoning Board of Adjustment

From: Casey Wolfe, Assistant Planner

Subject: **8 Jennifer Dr LLC (petitioner/owner)** – Variance under section 2.02.4.B of the Zoning Ordinance to permit the expansion of an existing non-conforming assisted living facility in the I-1 (Industrial) District where the use is not permitted. The parcel is located at 8 Jennifer Drive in the I-1 (Industrial), Aquifer Conservation and Elderly Housing Overlay Districts. Tax Map 4D-4, Lot 64. Case # ZBA 2022-09.

The following information is provided to aid in your consideration of the above referenced case. Additional background and application materials are included in your packet.

Background

The subject property is a 1.14 acre lot located at 8 Jennifer Drive. The property lies within the I-1 (Industrial), Aquifer Conservation and Elderly Housing Overlay Districts. The lot is home to the Rose Haven assisted living facility and is abutted by commercial uses to the north and west, residential uses to east, and an industrial use to the south.

The Rose Haven assisted living facility is an existing non-conforming use that was expanded in 1997 by variance. The facility closed its doors in October 2020 after being impacted by the pandemic, but building permits were issued to renovate and re-open it within one year of its closure. Now under new ownership, the petitioner seeks to further expand the facility from 28 beds to 40 beds in the I-1 (Industrial) District where the use is not permitted.

Standard of Review

It is the burden of the petitioner to demonstrate that the five criteria for the granting of the variance under section 2.02.4.B of the Zoning Ordinance to permit the expansion of an existing non-conforming assisted living facility in the I-1 (Industrial) District where the use is not permitted, are met.

Should the Board find that the petition meets the variance criteria; staff recommends that any approval be conditioned upon the following:

- 1) The petitioner shall obtain site plan approval from the Planning Board for the expansion of the use.

Ec: 8 Jennifer Drive, LLC, petitioner/owner

Matthew Peterson, Keach Nordstrom Associates
Building Department Staff
John Manuele, Fire Marshal
Cc: Zoning Board File